

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UMBRA LLC,

Plaintiff,

v.

24-CV-243 (JLS)

THE CORPORATIONS, INDIVIDUALS,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED
ON SCHEDULE "A",

Defendants.

PRELIMINARY INJUNCTION ORDER

Before the Court is Plaintiff Umbra LLC's motion for a preliminary injunction (Dkt. 5). Based on its review of the complaint (Dkt. 1), the motion for a preliminary injunction and supporting declarations and exhibits (Dkt. 5; Dkt. 7), and the record of proceedings so far in this case, the Court finds the following:

- On April 19, 2024, Plaintiff filed *ex parte* applications for: (1) a temporary restraining order, including an order restraining Defendants' seller accounts and assets with relevant third-party service platforms and financial institutions; (2) an order authorizing alternative service of process via email and website posting; and (3) an order authorizing expedited discovery of the e-commerce marketplace platform located at Amazon.com;
- On April 26, 2024, the Court entered an order granting Plaintiff's *ex parte* application (Dkt. 10) (the "TRO"), which ordered Defendants to

appear on May 10, 2024, at 9:00 a.m., to show cause why a preliminary injunction should not issue;

- On April 29, 2024, Plaintiff effectuated service of a subpoena and the TRO on Amazon.com (Dkt. 11-1);
- On May 3, 2024, Plaintiff moved for an extension of certain deadlines contained within the TRO, as well as for an extension of the TRO (Dkt. 11);
- On May 7, 2024, the Court granted Plaintiff's extension motion (Dkt. 12), extending the TRO by fourteen days, setting a May 17, 2024 deadline for any written opposition to the TRO and preliminary injunction motion, and rescheduling the show-cause hearing to May 21, 2024, at 1:00 p.m.;
- On May 10, 2024, Plaintiff received a subpoena response from Amazon.com as to seven of the nine named Defendants—specifically, Defendants 2, 3, 4, 5, 7, 8, and 9;
- On May 10, 2024, the Clerk of the Court issued summonses for each named Defendant;
- On May 13, 2024, Plaintiff served all papers filed in this lawsuit on Defendants 2, 3, 4, 5, 7, 8, and 9, as directed in the Court's April 26, 2024 TRO order (Dkt. 10) and May 7, 2024 extension order (Dkt. 12);

- Plaintiff did not serve Defendant 1 or Defendant 6 because Plaintiff did not receive email addresses for those Defendants pursuant to its subpoena;
- No Defendant submitted a written opposition to the TRO and preliminary injunction motion by the May 17, 2024 deadline;
- On May 21, 2024, at 1:00 p.m., Plaintiff appeared at the show-cause hearing, but no Defendants appeared;
- For the reasons discussed on the record at the May 21, 2024 show-cause hearing, all Defendants, except Defendant 1 and Defendant 6, received sufficient notice of the TRO and preliminary injunction motion; and
- For the reasons discussed on the record at the May 21, 2024 show-cause hearing, the Court has personal jurisdiction over all Defendants, except Defendant 1 and Defendant 6.

Based on the above, and the record of the proceedings in this case, IT IS
HEREBY ORDERED that:

1. The injunctive relief previously granted in the TRO shall remain in effect throughout the pendency of this litigation, pursuant to 35 U.S.C. § 283, Federal Rule of Civil Procedure 65(a), and 28 U.S.C. § 1651(a). Accordingly, Defendants, except Defendant 1 and Defendant 6, are hereby restrained and enjoined from engaging in any of the

following acts or omissions, pending the final hearing and determination of this action, or until further order of the Court:

- a. manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products infringing on the claims protected in Plaintiff's patent (Patent No: US D1,009,511 S, dated January 2, 2024), or bearing reproductions or derivatives of Plaintiff's patent other than those actually manufactured or distributed by Plaintiff; and
 - b. secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiff, bearing reproductions or derivatives of Plaintiff's patent; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing reproductions or derivatives of Plaintiff's patent; or (iii) any assets or other financial accounts subject to this order, including inventory assets, in the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, any Defendant, including, but not limited to, any assets held by or on behalf of any Defendant;
2. AND IT IS FURTHER ORDERED that each Defendant (except Defendants 1 and 6), its officers, directors, employees, agents, subsidiaries, and any third-party financial institutions, payment

processors, banks, escrow services, or money transmitters, and their related companies and affiliates, having notice of this decision and order shall:

- a. immediately discontinue the use of any unauthorized copies Plaintiff's '511 patent, on or in connection with all Internet-based e-commerce seller stores owned and operated, or controlled, by them, including the Internet based e-commerce stores operating under the seller IDs listed in Schedule "A" until further order of this Court;
 - b. not transfer ownership of the seller IDs listed in Schedule "A" during the pendency of this action, or until further order of the Court; and
 - c. restrain the transfer of all funds, including funds relating to ongoing account activity, held or received for Defendants' benefit or to be transferred into Defendants' respective financial accounts and restrain any other financial accounts tied thereto, and immediately divert those restrained funds to a holding account for the trust of the Court;
3. AND IT IS FURTHER ORDERED that any Defendant or third-party provider subject to this order may petition the Court to modify the asset restraint set out in this order;

4. AND IT IS FURTHER ORDERED that because sufficient cause has been shown, the asset restraint granted in the TRO shall remain in place through the pendency of this litigation, including that:
 - a. within seven days of receiving notice of this order, any newly discovered financial institutions served with this order shall locate and attach Defendants' financial accounts, provide written confirmation of such attachment to Plaintiff's counsel, and provide Plaintiff's counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for Defendants and Defendants' user accounts, contact information for Defendants (including mailing addresses and email addresses), account numbers and account balances for any and all of Defendants' financial accounts;
 - b. Within fourteen days of receiving notice of this order, all financial institutions or third-party service providers (such as Amazon.com) who receive service of this order shall provide Plaintiff's counsel with all documents and records in their possession, custody or control (whether located in the U.S. or abroad), relating to any and all of Defendants' financial accounts, user accounts and merchant storefronts, including, but not limited to, documents and records relating to:

- (i) account numbers;
- (ii) current account balances;
- (iii) any and all identifying information for Defendants and Defendants' user accounts, including names, addresses, and contact information;
- (iv) any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents, and—if a business entity—any and all business documents provided for the opening of each and every of Defendants' financial accounts;
- (v) any and all deposits and withdrawal during the previous year from each and every of Defendants' financial accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks, and account statements;
- (vi) any and all wire transfers into each of Defendants' financial accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank, and the beneficiary's account number;

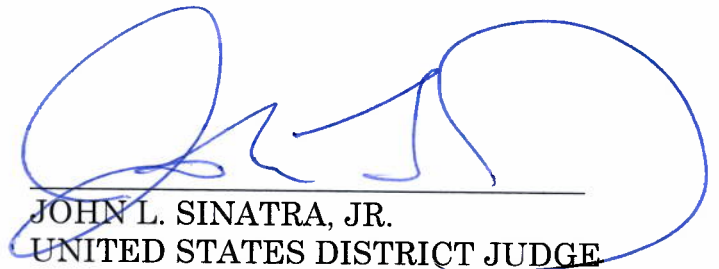
- (vii) any and all user accounts and account details, including, without limitation, identifying information and account numbers for any and all user accounts that Defendants ever had and/or currently maintain;
- (viii) the identities, location and contact information, including any and all email addresses, of Defendants, their respective officers, employees, agents, servants, and all persons in active concert or participation with any of them; and
- (ix) the nature of Defendants' businesses and operations, methods of payment, methods for accepting payment, and any and all financial information, including, but not limited to, information associated with Defendants' user accounts, a full accounting of Defendants' sales history and listing history under such accounts, and Defendants' financial accounts associated with Defendants' user accounts;

5. AND IT IS FURTHER ORDERED that because sufficient cause has been shown, and pursuant to Federal Rule of Civil Procedure 4(f)(3), service may be made on, and shall be deemed effective as to Defendants, third-party service providers, and financial institutions if completed by one of the following means:

- a. delivery to Defendants' email addresses of a secure website link where each Defendant will be able to download a PDF copy of this order, or
 - b. delivery of a message to Defendants through the system for communications established by the third-party service providers on their respective platforms, providing a link to a secure website where each Defendant will be able to download a PDF copy of this order;
6. AND IT IS FURTHER ORDERED that Defendants, except Defendants 1 and 6, are hereby given notice that they may be deemed to have actual notice of the terms of this order, and any act in violation of this order may be considered and prosecuted as contempt of this Court;
7. AND IT IS FURTHER ORDERED that Defendants, except Defendants 1 and 6, are hereby given notice that, upon a showing that Defendants are continuing to sell products that infringe Plaintiff's '511 patent on newly detected websites, Plaintiff may move to amend this order to extend the application of the relief granted herein to the newly detected websites;
8. AND IT IS FURTHER ORDERED that the \$5,000.00 bond posted by Plaintiff shall remain with the Court until a final disposition of this case, or until this order is terminated;

9. AND IT IS FURTHER ORDERED that this order shall remain in effect during the pendency of this action, or until further order of the Court;
10. AND IT IS FURTHER ORDERED that any Defendant subject to this order may appear and move to dissolve or modify the order on two days' notice to Plaintiff or on shorter notice as set by the Court;
11. AND IT IS FURTHER ORDERED that if Defendants do not appear, Plaintiff shall provide the Court with a status update by July 5, 2024, informing the Court whether Plaintiff intends to move for an order granting a permanent injunction and default judgment;
12. AND IT IS FURTHER ORDERED that this order shall go into effect immediately;
13. AND IT IS FURTHER ORDERED that this case is unsealed.

Dated: May 21, 2024
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE

Def. No.	Seller ID	Link to Infringing Products	Manufacturer	Product Description
1	Sixrun 11.N	https://www.amazon.com/dp/B0CS5XWPD3?th=1	Haofy	Hat Hook, Simple Installation Wall Coat Hooks for Bedroom (9 Hooks)
1	Sixrun 11.N	https://www.amazon.com/dp/B0CS5WXQB1?th=1	Haofy	Hat Hook, Simple Installation Wall Coat Hooks for Bedroom (7 Hooks)
1	Sixrun 11.N	https://www.amazon.com/dp/B0CS5HJKFF?th=1	Haofy	Hat Hook, Simple Installation Wall Coat Hooks for Bedroom (5 Hooks)
1	Sixrun 11.N	https://www.amazon.com/dp/B0CS5Q2265	Haofy	Hat Hook, Simple Installation Wall Coat Hooks for Bedroom (3 Hook)
2	Qmee	https://www.amazon.com/dp/B0CNCK5HG5?th=1	Generic	"Solid Wood Coat Hat Hook Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom (5 Hooks) "
2	Qmee	https://www.amazon.com/dp/B0CNCJ56JG?th=1	Generic	Solid Wood Coat Hat Hook Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom (3 Hook)
2	Qmee	https://www.amazon.com/dp/B0CNCFS8YQ?th=1	Generic	Solid Wood Coat Hat Hook Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom (9 Hooks)
2	Qmee	https://www.amazon.com/dp/B0CNCGQJNZ?th=1	Generic	Solid Wood Coat Hat Hook Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom (7 Hooks)
3	Oumij1	https://www.amazon.com/dp/B0CSV93ZN5?th=1	Pomya	Pomya Wall Coat Hooks, Coat Hat Hook Simple Installation for Checkroom (9 Hooks)
3	Oumij1	https://www.amazon.com/dp/B0CSVLBWRC?th=1	Pomya	Pomya Wall Coat Hooks, Coat Hat Hook Simple Installation for Checkroom (7 Hooks)
3	Oumij1	https://www.amazon.com/dp/B0CSV6X5HG?th=1	Pomya	Pomya Wall Coat Hooks, Coat Hat Hook Simple Installation for Checkroom (5 Hooks)
3	Oumij1	https://www.amazon.com/dp/B0CSVRSS4H?th=1	Pomya	Pomya Wall Coat Hooks, Coat Hat Hook Simple Installation for Checkroom (3 Hook)

4	BETSEO	https://www.amazon.com/Mounted-Flip-Down-Umbrella-Fold-Down-Light-Brown/dp/B0C27J8LJ5/ref=sr_1_78?crid=2RJ6I0G9OSPPH&keywords=Rail%2BHook%2BCoat%2BRack&qid=1704297284&srefix=rail%2Bhook%2Bcoat%2BBrack	BETSEO (org. Vietnam)	Wooden Coat Rack Wall Mounted Round Stick Shape Multi Rack Solid Natural Wood Artwork with 5 Flip-Down Unique Modern Hooks for Coat/Bag/Hat/Umbrella (Fold-Down are Light-Brown, Fixed Hooks are Walnut)
5	HAIYHOME	https://www.amazon.com/dp/B0C68DRFMP?th=1	NEPHEW (China)	Wall Mounted Floating Coat Racks Heavy Duty Wall Hooks Coat Hooks Retractable Hooks for Hanging Coats Hats Scarves Umbrella and Keys (Color : Wood Color, Size : 49.5 * 17cm)
5	HAIYHOME	https://www.amazon.com/dp/B0C68G6DP1?th=1	NEPHEW	"Wall Mounted Floating Coat Racks Heavy Duty Wall Hooks Coat Hooks Retractable Hooks for Hanging Coats Hats Scarves Umbrella and Keys (Color : Wood Color, Size : 33 * 17cm) "
5	HAIYHOME	https://www.amazon.com/dp/B0C68FH7NK?th=1	NEPHEW	"Wall Mounted Floating Coat Racks Heavy Duty Wall Hooks Coat Hooks Retractable Hooks for Hanging Coats Hats Scarves Umbrella and Keys (Color : Wood Color, Size : 33 * 17cm) "
5	HAIYHOME	https://www.amazon.com/dp/B0C68D5GZH?th=1	NEPHEW	"Wall Mounted Floating Coat Racks Heavy Duty Wall Hooks Coat Hooks Retractable Hooks for Hanging Coats Hats Scarves Umbrella and Keys (Color : Wood Color, Size : 33 * 17cm) "

5	HAIYHOME	https://www.amazon.com/dp/B0C68LMNCD?th=1	Brand - KRIVS; Manufacturer - NEPHEW	Wall Mounted Floating Coat Racks Heavy Duty Wall Hooks Coat Hooks Retractable Hooks for Hanging Coats Hats Scarves Umbrella and Keys (Color : Wood Color, Size : 27.5 * 17cm)
6	Fivehoo	https://www.amazon.com/dp/B0CP8XXQS9?th=1	Headerbs	Headerbs Coat Hat Hook Solid Wood Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom Wooden Wall Mounted Clothes Hook (9 Hooks)
6	Fivehoo	https://www.amazon.com/dp/B0CP8YJRD5?th=1	Headerbs	Headerbs Coat Hat Hook Solid Wood Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom Wooden Wall Mounted Clothes Hook (7 Hooks)
6	Fivehoo	https://www.amazon.com/dp/B0CP8YMGYD?th=1	Headerbs	"Headerbs Coat Hat Hook Solid Wood Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom Wooden Wall Mounted Clothes Hook (5 Hooks) "
6	Fivehoo	https://www.amazon.com/dp/B0CP8ZGF9Z?th=1	Headerbs	Headerbs Coat Hat Hook Solid Wood Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom Wooden Wall Mounted Clothes Hook (3 Hook)
7	Lecxin	https://www.amazon.com/dp/B0CR5D8MZW?th=1	EVGATSAUTO	"EVGATSAUTO Wall Coat Hooks, Coat Hat Hook Multifunctional for Bedroom (9 Hooks) "
7	Lecxin	https://www.amazon.com/dp/B0CR5V776T?th=1	EVGATSAUTO	EVGATSAUTO Wall Coat Hooks, Coat Hat Hook Multifunctional for Bedroom (7 Hooks)
7	Lecxin	https://www.amazon.com/dp/B0CR5NFVT7?th=1	EVGATSAUTO	"EVGATSAUTO Wall Coat Hooks, Coat Hat Hook Multifunctional for Bedroom (5 Hooks) "
7	Lecxin	https://www.amazon.com/dp/B0CR5H5ZNS?th=1	EVGATSAUTO	"EVGATSAUTO Wall Coat Hooks, Coat Hat Hook Multifunctional for Bedroom (3 Hook) "

8	Ganbora	https://www.amazon.com/dp/B0CR5G5MG6?th=1	EVGATSAUTO	"EVGATSAUTO Coat Hat Hook, Stable Wall Coat Hooks for Bedroom (9 Hooks) "
8	Ganbora	https://www.amazon.com/dp/B0CR5V5TLV?th=1	EVGATSAUTO	"EVGATSAUTO Coat Hat Hook, Stable Wall Coat Hooks for Bedroom (5 Hooks) "
8	Ganbora	https://www.amazon.com/dp/B0CR5MWS26?th=1	EVGATSAUTO	"EVGATSAUTO Coat Hat Hook, Stable Wall Coat Hooks for Bedroom (3 Hook) "
8	Ganbora	https://www.amazon.com/dp/B0CNCF8YQ?th=1	Generic	"Solid Wood Coat Hat Hook Wall Mounted Multifunctional Clothes Hook for Entryway Bedroom Checkroom (9 Hooks) "
9	Yuxxis	https://www.amazon.com/dp/B0CR5TNCR5?th=1	EVGATSAUTO	"EVGATSAUTO Coat Hat Hook, Multifunctional Wall Coat Hooks for Checkroom (9 Hooks) "
9	Yuxxis	https://www.amazon.com/dp/B0CR5C9QZS?th=1	EVGATSAUTO	"EVGATSAUTO Coat Hat Hook, Multifunctional Wall Coat Hooks for Checkroom (7 Hooks) "
9	Yuxxis	https://www.amazon.com/dp/B0CR5MYB5Q?th=1	EVGATSAUTO	EVGATSAUTO Coat Hat Hook, Multifunctional Wall Coat Hooks for Checkroom (3 Hook)